HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No. 15926 of 1999

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Dated: 17.10.2005

Between:

Inukonda Pratap Reddy, S/o. Lachi Reddy

Hindu, Aged about 55 years,

Resident of Kothapalli Village (PN),

Thimmapur Revenue Mandal,

Karimnagar District & 8 others.

..... PETITIONERS

AND

The State of A.P., rep., by its Secretary to Government,

Irrigation & Projects Department, Secretariat,

Hyderabad & 6 others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No. 15926 of 1999

ORDER:

The petitioners, who are nine in number, seek a direction to respondents to implement the orders of the Government in G.O.Ms.No.276, dated 30.07.1966. Be it noted, by the said Order, the Government directed the authorities to permit the owners, whose lands were acquired for Pochampad Project, to cultivate the lands even after acquisition, till the lands are actually submerged.

It is the case of the petitioners that their lands in Survey Nos. 300, 301, 302, 305, 306, 307, 418, 419, 240, 382, 385, 387, 388, 389, 298, 299, 308, 309, 310, 316, 317,

229, 236 and 237 situated at Kothapalli Village, Timmapur Revenue Mandal, Karimnagar District, were acquired under award No.2/92-93, dated 01.08.1993, by paying compensation to them at the rate of Rs.5,000/- per acre for dry lands and at the rate of Rs.16,000/- per acre for wet lands. They allege that the Full Reservoir Level (FRL) of the Manair Project is 922 feet, and the lands are not so far submerged, as the water level is below 920 contour level. Therefore, they seek a direction to the Government to permit them to cultivate the lands as was permitted in G.O.Ms.No.276, dated 30.07.1966.

The respondents have filed counter affidavits opposing the writ petition. In the counter affidavit filed by the Executive Engineer, Irrigation Department, Karimnagar, it is stated that G.O.Ms.No.276 was issued in respect of the lands acquired for Pochampad Project and that the same is not applicable in relation to the lands acquired for lower Manair Dam Reservoir. The said Reservoir was already constructed in 1969 itself. It is further stated that the lands acquired for Pochampad Project were getting submerged only for a few days in a year, and therefore, the Government issued permission to the owners of the lands to cultivate the lands without paying any lease amount. Insofar as the lands of the petitioners are concerned, they already got submerged by 1979, and the FRL was reached.

The petitioners have not filed reply affidavit denying the same. Even otherwise, a perusal of G.O.Ms.No.276 would show that the petitioners have no right to file the present Writ Petition.

The Writ Petition is devoid of merits, and is accordingly, dismissed, without any order as to costs.

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(V.V.S.RAO, J)

17.10.2005

vs